

1 By

Niland

J.R. No. 41

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4
5 A JOINT RESOLUTION

6
7 proposing an amendment to Article XVI, Section 61, of the Texas
8 Constitution, to require the commissioners court in all counties
9 of the state to compensate all justices of the peace on a salary
10 basis beginning January 1, 1973.

11
12 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

13
14 Section 1. That Article XVI, Section 61, of the Texas Con-
15 stitution, be amended to read as follows:

16 "Section 61. All district officers in the State of Texas
17 and all county officers in counties having a population of
18 twenty thousand (20,000) or more, according to the then last pre-
19 ceding Federal Census, shall be compensated on a salary basis.
20 In all counties in this State, the Commissioners Courts shall be
21 authorized to determine whether precinct officers shall be com-
22 pensated on a fee basis or on a salary basis, with the exception
23 that it shall be mandatory upon the Commissioners Courts, to com-
24 pensate all justices of the peace, constables, deputy constables
25 and precinct law enforcement officers on a salary basis beginning
26 January 1, 1973; and in counties having a population of less than
27 twenty thousand (20,000), according to the then last preceding
28 Federal Census, the Commissioners Courts shall also have the
29 authority to determine whether county officers shall be compen-
30 sated on a fee basis or on a salary basis, with the exception
31 that it shall be mandatory upon the Commissioners Courts to com-
32 pensate all sheriffs, deputy sheriffs, county law enforcement
33 officers including sheriffs who also perform the duties of asses-
34 sor and collector of taxes, and their deputies, on a salary basis
35 beginning January 1, 1949.

36 "All fees earned by district, county and precinct officers
37 shall be paid into the county treasury where earned for the
38 account of the proper fund, provided that fees incurred by the
39 State, county and any municipality, or in case where a pauper's
40 oath is filed, shall be paid into the county treasury when col-
41 lected and provided that where any officer is compensated wholly
42 on a fee basis such fees may be retained by such officer or paid
43 into the treasury of the county as the Commissioners Court may
44 direct. All Notaries Public, county surveyors and public weighers
45 shall continue to be compensated on a fee basis."

46 Sec. 2. The foregoing constitutional amendment shall be
47 submitted to a vote of the qualified electors of this state at an
48 election to be held on the first Tuesday after the first Monday
49 in November, 1972, at which election the ballot shall be printed
50 to provide for voting for or against the proposition: "The con-
51 stitutional amendment to require the commissioners court in all
52 counties of the state to compensate all justices of the peace on
53 a salary basis."
54

FORM A

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Date 4-24-71

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on Constitutional Amendments, to whom was referred HJR No. 41, have had the same under consideration

and beg to report back with recommendation that it { do } pass, and be printed

The Bill was reported from Committee by the following vote:

Unanimous voice vote
Majority voice vote

Vote of _____ ayes and _____ nays.

John A. Mueger
Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

1 By: Niland

H. J. R. No. 41

2 (In the House. --Filed February 23, 1971; February 24, 1971, read first
3 time and referred to Committee on Constitutional Amendments: April 27,
4 1971, reported favorably, by unanimous voice vote, sent to Printer.)

5 A JOINT RESOLUTION

6 PROPOSING an amendment to Article XVI, Section 61, of the
7 Texas Constitution, to require the commissioners
8 court in all counties of the state to compensate all
9 justices of the peace on a salary basis beginning
10 January 1, 1972.

11 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

12 Section 1. That Article XVI, Section 61, of the Texas Constitution, be
13 amended to read as follows:

14 "Section 61. All district officers in the State of Texas and all county
15 officers in counties having a population of twenty thousand (20,000) or
16 more, according to the then last preceding Federal Census, shall be com-
17 pensated on a salary basis. In all counties in this State, the Commis-
18 sioners Courts shall be authorized to determine whether precinct officers
19 shall be compensated on a fee basis or on a salary basis, with the excep-
20 tion that it shall be mandatory upon the Commissioners Courts, to com-
21 pensate all justices of the peace, constables, deputy constables and pre-
22 cinct law enforcement officers on a salary basis beginning January 1, 1972;
23 and in counties having a population of less than twenty thousand (20,000),
24 according to the then last preceding Federal Census, the Commissioners
25 Courts shall also have the authority to determine whether county officers
26 shall be compensated on a fee basis or on a salary basis, with the excep-
27 tion that it shall be mandatory upon the Commissioners Courts to compen-
28 sate all sheriffs, deputy sheriffs, county law enforcement officers includ-
29 ing sheriffs who also perform the duties of assessor and collector of taxes,
30 and their deputies, on a salary basis beginning January 1, 1949; and in
31 counties having a population of less than twenty thousand (20,000), accord-
32 ing to the then last preceding Federal Census, the Commissioners Court
33 shall also have the authority to determine whether county officers shall be
34 compensated on a fee basis or on a salary basis, with the exception that
35 it shall be mandatory upon the Commissioners Court to compensate all sheriffs,
36 deputy sheriffs, county law enforcement officers, including sheriffs who also
37 perform the duties of assessor and collector of taxes, and their deputies,
38 on a salary basis beginning Jan. 1, 1949.

39 "All fees earned by district, county and precinct officers shall be paid
40 into the county treasury where earned for the account of the proper fund,
41 provided that fees incurred by the State, county and any municipality, or
42 in case where a pauper's oath is filed, shall be paid into the county
43 treasury when collected and provided that where any officer is compensated
44 wholly on a fee basis such fees may be retained by such officer or paid
45 into the treasury of the county as the Commissioners Court may direct.
46 All Notaries Public, county surveyors and public weighers shall continue
47 to be compensated on a fee basis. "

48 Sec. 2. The foregoing constitutional amendment shall be submitted to a
49 vote of the qualified electors of this state at an election to be held on the
50 first Tuesday after the first Monday in November, 1972, at which election
51 the ballot shall be printed to provide for voting for or against the proposi-
52 tion: "The constitutional amendment to require the commissioners court
53 in all counties of the state to compensate all justices of the peace on a
54 salary basis. "

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COMMITTEE REPORT

COMMITTEE ROOM

Austin, Texas, April 24, 1971

Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives.

SIR: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 41, have had the same under consideration and beg to report back with recommendation that it do pass, and be printed.

John A. Traeger, Chairman

BILL ANALYSIS

Background:

Justices of the Peace have long been criticized because of their being paid on a commission basis, depending upon the fees they receive

Purpose:

To compensate justices of the peace on a salary basis.

Section by Section Analysis:

Section 1: Adds justices of the peace to Section 61 of Article XVI.

Providing for fees earned by district, county, and precinct officers to be paid into a county treasury.

Section 2: Election clause.

Summary of Committee Action:

Passed by unanimous voice vote.

(6)

Floor Amendment No. 1

By: Niland

Amend House Joint Resolution No. 41 by changing the date on
Line 26 from January 1, 1972 to January 1, 1973.

MAY 21 1971
DATE _____
READ AND ADOPTED _____

CLERK
HOUSE OF REPRESENTATIVES

2075
100

May 21 1971
Clerk

By: Niland

H.J.R. No. 41

HOUSE JOINT RESOLUTION

proposing an amendment to Article XVI, Section 61, of the Texas Constitution, to require the commissioners court in all counties of the state to compensate all justices of the peace on a salary basis beginning January 1, 1973. _____

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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officers including sheriffs who also perform the duties of assessor and collector of taxes, and their deputies, on a salary basis beginning January 1, 1949.

"All fees earned by district, county and precinct officers shall be paid into the county treasury where earned for the account of the proper fund, provided that fees incurred by the State, county and any municipality, or in case where a pauper's oath is filed, shall be paid into the county treasury when collected and provided that where any officer is compensated wholly on a fee basis such fees may be retained by such officer or paid into the treasury of the county as the Commissioners Court may direct. All Notaries Public, county surveyors and public weighers shall continue to be compensated on a fee basis."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1972, at which election the ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to require the commissioners court in all counties of the state to compensate all justices of the peace on a salary basis."

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Sir;

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Chairman WILSON

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FILED

H.J.R. No. 41

HOUSE JOINT RESOLUTION

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Lieutenant Governor
President of the Senate

Speaker of the House

H.J.R. No. 41

I hereby certify that H.J.R. No. 41 was adopted by the House on May 21, 1971, by the following vote: Yeas 139, Nays 0.

Chief Clerk of the House

I hereby certify that H.J.R. No. 41 was adopted by the Senate on May 26, 1971, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:45 PM O'CLOCK

MAY 31 1971

Secretary of State

Governor



HOUSE OF REPRESENTATIVES
AUSTIN

The Honorable Martin Dies
Secretary of State

I am hereby transmitting to the office of the
Secretary of State, House Joint Resolution No. 41,
62nd Legislature, as of May 31st, 1971.

Ones Guggins

Enrolling and Engrossing Clerk
House of Representatives

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

3:45 PM O'CLOCK

MAY 31 1971

Secretary of State

HOUSE JOINT RESOLUTION

proposing an amendment to Article XVI, Section 61, of the Texas Constitution, to require the commissioners court in all counties of the state to compensate all justices of the peace on a salary basis beginning January 1, 1972.

FILED FEB 23 1971

FEB 24 1971

READ 1ST TIME

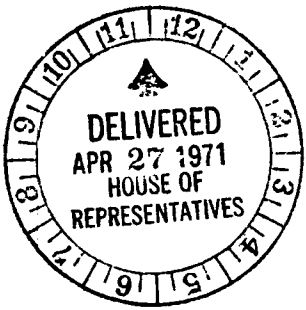
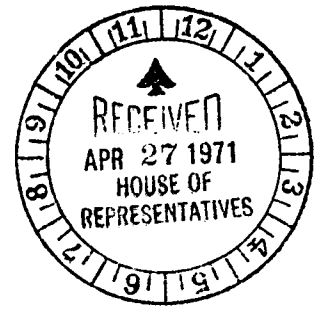
AND REFERRED TO COMMITTEE ON

Constitutional Amendments

Dorothy Hallman

Chief Clerk, House of Representatives

APR 27 1971 REPORTED FAVORABLY SENT TO PRINTER



MAY 21 1971

READ SECOND

TIME amended AND passed

~~ORDERED~~ ~~ENGROSSED~~

record vote of 139 ayes, 0 noes.

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 21 1971

MOTION TO RECONSIDER THE VOTE BY

WHICH HJR No. 41 WAS

ADOPTED / PASSED AND TO TABLE THE MOTION TO RECON-

SIDER PREVAILED-PASSED BY A non-record VOTE OF

AYES AND NAYES

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

MAY 21 1971

SENT TO ENGROSSING CLERK

PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

RULES 11:30 A M, APR 27 1971
(Time) (Date)

By: Niland

H.J.R. No. 41

HOUSE JOINT RESOLUTION

proposing an amendment to Article XVI, Section 61 of the Texas Constitution, to require the commissioners court in all counties of the state to compensate all justices of the peace on a salary basis beginning January 1, 1973. _____

2-23-71 Filed. _____

2-24-71 Read first time and referred to Committee on Constitutional Amendments. _____

4-27-71 Reported favorably, sent to printer. _____

4-27-71 Printed, distributed and referred to Committee on Rules at 11:30 a.m. _____

5-21-71 Read second time, amended and passed by the following vote:
Yeas 139, Nays 0. _____

Dorothy Hallman
Chief Clerk, H. of R.

5-21-71 Sent to Engrossing Clerk. _____

5-21-71 Engrossed. _____

Orea Suppin
Engrossing Clerk, H. of R.

MAY 22 1971 RETURNED FROM ENGROSSING CLERK SENT TO THE SENATE

MAY 24 1971
IN THE SENATE
~~Received from the House~~

MAY 26 1971 SENT TO ENROLLING CLERK

MAY 24 1971

Received from the House

MAY 24 1971

Read, referred to Committee on Constitutional Amendments

MAY 25 1971

Reported favorably. _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed. _____

MAY 26 1971

Regular order of business suspended by

(unanimous consent.

(yeas, nays)

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 26 1971

Read second time and passed to third reading.

Caption ordered amended to conform to body of bill.

MAY 26 1971

Senate and Constitutional 3-Day Rules suspended by vote of
30 yeas, 0 nays to place bill on third reading and final passage.

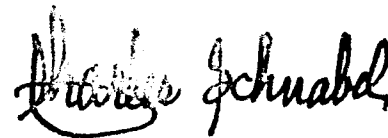
MAY 26 1971

Read third time and passed by

~~(a viva voce vote)~~

(30 yeas, 0 nays)

OTHER ACTION:



Secretary of the Senate

MAY 26 1971

RETURNED FROM SENATE

MAY 26 1971

Returned to HOUSE



Chief Clerk, House of Representatives